

REMARKS

This Application has been carefully reviewed in light of the Final Office Action mailed March 2, 2006. At the time of the Final Office Action, Claims 1-5, 7-12, 14-16, and 18-22 were pending in this Application. Claims 6, 13, and 17 were previously cancelled by Applicants without prejudice or disclaimer. Claims 1-5, 7-12, 14-16, and 18-22 were rejected. Applicants respectfully request reconsideration and favorable action in this case.

Rejections under 35 U.S.C. §103

Claims 1-5 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 4,868,349 issued to Chok J. Chia (“Chia”) in view of U.S. Patent 6,414,867 issued to Osamu Suzuki et al. (“Suzuki”). Applicants respectfully traverse and submit the cited art combinations, even if proper, which Applicants do not concede, does not render the claimed embodiment of the invention obvious.

Claims 1-5, 7-12, 14-16, and 18-22 were rejected under 35 U.S.C. §103(a) as being unpatentable over Suzuki and Chia in view of U.S. Patent 5,966,291 issued to Baumel et al. (“Baumel”). Applicants respectfully traverse and submit the cited art combinations, even if proper, which Applicants do not concede, does not render the claimed embodiment of the invention obvious.

Claims 1-5, 7-12, 14-16, and 18-22 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 5,940,271 issued to Atila Mertol (“Mertol”), Suzuki, Chia, and Baumel. Applicants respectfully traverse and submit the cited art combinations, even if proper, which Applicants do not concede, does not render the claimed embodiment of the invention obvious.

The Examiner stated that Suzuki, which was used in all rejections under 35 U.S.C. §103(a), is prior art. Applicants respectfully disagree. Suzuki has a US filing date of February 16, 2001. However, the present application has an earliest priority date of January 11, 2001. Applicants herewith submit the respective priority documents as well as a translation of the earliest priority document DE 10101091.5 together with a statement that the translation is accurate. The earliest priority document DE 10101091.5 includes support for the subject matter of the independent claims. For example, Fig. 3 shows a plastic control plate for a hydraulic gearbox control device in a motor vehicle. The plate has a single piece

body (1) with an opening (area in which plate 4 is arranged) with a bottom wall having at least a partially flat area; at least one channel (12a) running through the plastic control plate for carrying a cooling medium, and a heat conduction metal body plate (4) having a top surface and a bottom surface, the plate at least partially integrated in the plastic control plate arranged directly adjacent to the channel, wherein said heat conduction metal body plate top surface is flush with a top surface of the plastic plate (see for example on the right and left of plate 4 which lies in the opening of the body 1 and is flush with the top surface of the body) and also and wherein said bottom surface rests at least partially on said bottom wall of said opening and wherein said at least one channel is formed by said heat conduction metal body plate and said integral body. Therefore, Applicants believe that all independent claims are supported by the earliest priority document and, thus, are allowable in view of the cited prior art. Applicants respectfully submit that the dependent Claims are allowable at least to the extent of the independent Claim to which they refer, respectively. Thus, Applicants respectfully request reconsideration and allowance of the dependent Claims. Applicants reserve the right to make further arguments regarding the Examiner's rejections under 35 U.S.C. §103(a), if necessary, and do not concede that the Examiner's proposed combinations are proper.

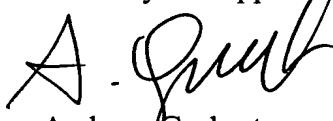
CONCLUSION

Applicants have made an earnest effort to place this case in condition for allowance in light of the remarks set forth above. Applicants respectfully request reconsideration of the pending claims.

Applicants believe there are no fees due at this time, however, the Commissioner is hereby authorized to charge any to Deposit Account No. 50-2148 of Baker Botts L.L.P. in order to effectuate this filing.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.322.2545.

Respectfully submitted,
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